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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/640,083	08/13/2003	Toshio Taomo	A35880	7645
21003	7590	06/10/2005	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			JOHNSON, VICKY A	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/640,083	TAOMO ET AL.	
	Examiner	Art Unit	
	Vicky A. Johnson	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/13/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "6" has been used to designate both "rear handle" and "a nut" (see Fig 2). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4, 5, 9, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 4 and 5 it is unclear if “a supporting shaft” and “a manipulating member” and “a plane cam” are the same elements that are recited in claims 1 and 6.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kloft (US 4,977,708).

Kloft discloses a power transmission device comprising: a driving side supporting member (2); a first transmission wheel (9) supported by said driving side supporting member; a driven side supporting member (3) supported by said driving side supporting member in a manner enabling said driven side supporting member to be moved in a direction orthogonal to the rotational axis of said first transmission wheel (col. 2 lines 44-55); a second transmission wheel (8) supported by said driven side supporting member; a power transmission member (11) having an endless loop configuration which is wound around said first transmission wheel and said second transmission wheel to enable power transmission between said first and second transmission wheels; and a cam-type adjusting mechanism (12) interposed between said driving side supporting member and said driven side supporting member and configured to adjust a distance between axes of said first transmission wheel and said second transmission wheel (see Figs 2 and 3); said cam-type adjusting mechanism comprises a supporting shaft (17)

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secured to one of said driving side supporting member and said driven side supporting member and disposed parallel to the rotational axes of said first transmission wheel and said second transmission wheel (see Fig 1); and a cam (16) rotatably secured via a manipulating boss member (16b) to said supporting shaft; wherein said driven side supporting member is moveable relative to said driving side supporting member by means of said cam in accordance with an angle of rotation of said manipulating boss member (col. 3 line 25 - col. 4 line 60), thereby enabling alteration of a distance between the axes of said first transmission wheel and said second transmission wheel (col. 2 lines 44-55).

Re claims 2 and 7, said cam-type adjusting member comprises a plane cam externally fitted on said manipulating boss member, enabling said plane cam to be rotated integral with said manipulating boss member (see Fig 1).

Re claims 3 and 8, said cam-type adjusting mechanism includes a biasing member (13) for urging said driven side supporting member in a direction away from said first transmission wheel (see Figs 2 and 3).

Re claims 4 and 9, said cam-type adjusting mechanism comprises: a supporting shaft (17) secured to said driven side supporting member; a manipulating boss member (16b) rotatably supported by said supporting shaft; a plane cam (16) fixed to said manipulating boss member in a manner to enable said plane cam to be rotated integral with said manipulating boss member; a follower member (19) configured to be moveable in a direction orthogonal to said rotational axis by means of said plane cam; and wherein said biasing member comprises a compression coil spring (13) interposed

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between said follower member and said driving side supporting member in a compressed state, for urging said follower member toward said cam (see Figs 2 and 3).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kloft (US 4,977,708) in view of Martenson (US 5,177,871).

Kloft discloses a device as described above, but does not disclose a marker for determining whether the distance between the axes is appropriate.

Martenson discloses a marker for determining whether the distance between the axes is appropriate (col. 2 lines 1-5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kloft by including a marker in view of the teaching of Martenson in order to make reassembly easier.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,374,501	Claesson	(tensioner)
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3,583,106	Dobbertin	(tensioner)
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5,752,892	Taomo et al	(tensioner)
5,533,585	Kawano et al	(tensioner)
3,898,240	Morner et al	(tensioner)
3,606,707	Naslund	(tensioner)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vicky A. Johnson
Examiner
Art Unit 3682

4/29/05